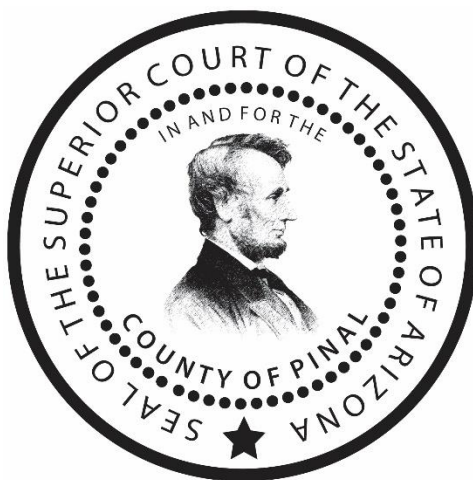


PETITION TO MODIFY PARENTING TIME and CHILD SUPPORT



PINAL COUNTY

**Make Changes to an Existing Order Regarding
Parenting Time and Child Support**

INSTRUCTIONS AND FORMS

**Provided as a Public Service by
AMANDA STANFORD
Clerk of the Superior Court**

REPRESENTING YOURSELF IN FAMILY COURT

This brief guide provides some very basic information to help you understand the proceedings. It does not tell you everything about family law or family court, and it is no substitute for understanding Title 25 of the Arizona Revised Statutes, the Arizona Rules of Family Law Procedure, and the Arizona Rules of Evidence. For more information, you should go to the Pinal County Superior Court website (www.pinalcountyz.gov/Departments/JudicialBranch/) or consult a lawyer.

Proceedings in Family Court

Proceedings in Family Court follow the *Arizona Rules of Family Law Procedure*.

In a divorce or paternity case, you may be referred to an Expedited Differentiated Case Management Conference, Mediation, Family Assessment, or a Settlement Conference (sometimes called an Alternative Dispute Resolution or “ADR”). These proceedings are designed to help the parties reach agreement on all or some of their disputes. They generally are not conducted by your assigned Judge.

You may also have to appear before the Judge for a pretrial hearing. The most common pretrial hearings are (1) a ***Resolution Management Conference***, which helps the Judge manage the case by, among other things, setting deadlines and a trial date; and (2) a ***Temporary Orders Hearing***, at which the Judge may issue temporary orders to govern the case until the trial.

If you do not reach a settlement of all issues, there will be a ***trial***. This is the single hearing where the Judge will hear your evidence and make final decisions on disputed issues.

Disclosure and Discovery

To help parties prepare for the trial, the Arizona Rules of Family Law Procedure have ***disclosure*** and ***discovery*** requirements.

Disclosure requirements are in Rule 49. Each party must voluntarily provide certain information to the other party. You have an obligation to disclose such information to the other party, and you have a right to insist that the other party disclose such information to you. Failure to disclose as required may result in sanctions, including being barred from offering evidence that was not timely disclosed.

If you need information that is not voluntarily disclosed, you may engage in ***discovery***, such as requesting documents from a party or subpoenaing documents from non-parties. Rules 51 through 65 of the Arizona Rules of Family Court discuss the requirements for discovery.

What is a Trial?

A trial is the time for you and for the other party to present ***evidence*** on disputed issues.

General Issues If Children Are Involved in Your Case:

- Legal decision-making (authority over major matters concerning the children).

- Parenting time (what time each parent will spend with the children).
- Child support.

Additional Issues If Your Case Involves a Divorce:

- Spousal maintenance.
- Division of community property and allocation of debts.

The Judge will decide these issues based on the evidence presented during the trial. ***Only evidence you bring to the trial will be considered.***

After the trial, the Judge may issue a ruling in open court or may take the case “under advisement,” which means that the Judge will issue a written ruling at a later time.

The judge’s ruling may be a signed ***decree*** or ***judgment***, which officially concludes the case. If the judge chooses, the judge may decide disputed issues and then require one or both of the parties to submit a decree for the judge’s signature.

Preparing for The Trial

When preparing for the trial, it is critical that you read the judge’s minute entries carefully. The minute entries typically contain the Judge’s requirements for the trial. These requirements may include:

(1) Submitting a ***pretrial statement*** that describes the issues in the case and lists your witnesses and exhibits; and (2) Giving copies of your ***exhibits*** to the Clerk and to the other party before the trial.

Many Judges impose ***time limits*** at the trial. It is your responsibility to make sure you present all your evidence in the time allotted.

What Happens During the Trial?

The main thing that happens during the trial is the presentation of ***evidence***. The Judge will make decision based on the evidence presented during the trial. Evidence is generally of two kinds: (1) Witness testimony and (2) Documents.

When you call a ***witness*** to testify, you must ask the witness questions. A witness may only answer questions that are asked. When the party who called a witness is done with questioning, the other party may “cross-examine” the witness by asking additional questions.

A party may testify as a witness on his or her own behalf. However, while a witness is on the stand, the parties may only ask questions. Arguing with a witness or commenting on the answers is not allowed.

Documents may be evidence at the trial, but you must follow the proper procedure. Before the trial (usually 5 days before), you must give documents that you want to use to the Clerk of the Court to

be “marked” with an exhibit number. However, marking an exhibit does not mean it is evidence. Rather, during the trial, you must “offer” the exhibit by asking the judge to admit it into evidence. The judge then decides whether to admit the evidence. The judge will consider only evidence that is ***admitted***.

Proper Court Behavior

Although family cases are often emotional, it is important that everyone act in an orderly and respectful way in court. Here are some “Do’s and Don’ts:”

- Do dress appropriately. Don’t wear hats, sunglasses, tank tops, shorts, or flip-flops.
- Do wait your turn to speak. Don’t interrupt while someone else is talking.
- Do treat others with respect. Don’t curse, make faces, or engage in confrontational behavior.
- Do be honest and candid with the judge.
- Do make sure that friends and family who accompany you sit quietly. They are not allowed to speak unless called as a witness, and then only when they are testifying.

For Additional Information

This guide presents very basic information. For additional information, read the applicable statutes and rules, visit the Pinal County Superior Court website (www.pinalcountyz.gov/Departments/Judicial Branch) and if necessary, consult a lawyer.

“Petition to Modify Parenting Time and Child Support”

USE THE FORMS AND INSTRUCTIONS in this packet only if the following factors apply to your situation:

- ✓ You have parenting time and child support order established in Pinal County and you want to file court papers to change the existing orders for:
 - Parenting Time **OR**
 - Parenting Time and Child Support

For access to Model Parenting Time for Parent/Child www.pinalcountyz.gov/FSCC/

If the Court Order you want to change is from another county in Arizona:

- ✓ Get a certified copy of the Order you want to change from the other county **AND**
- ✓ Bring the certified copy with you when you come to the Clerk of the Court to file your court papers, **AND**
- ✓ Give the certified copy of the Order to the Clerk of the Court, along with the filing fee before filing any additional paperwork. The Clerk will file the certified copy of the Order and assign a new case number, **AND**
- ✓ You are now able to file the paperwork to modify parenting time and child support, along with a new filing fee.

If the Court Order you want to change is from another state other than Arizona talk to an attorney who can tell you what requirements are necessary for you to file for modifications in Arizona.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing.

PETITION TO MODIFY PARENTING TIME AND CHILD SUPPORT

This packet contains general information and instructions about filing a Petition to Modify Parenting Time and Child Support. Be sure this packet contains the following documents:

Order	Title	# of Pages
1	Checklist: Use these forms if...	1
2	Table of Contents (this page)	1
3	Instructions: How to Fill Out	2
4	Procedures: How to File	2
5	Petition to Modify Parenting Time and Child Support	5
6	Affidavit Regarding Minor Children	3
7	Parenting Plan for Legal Decision-Making	10
8	Child Support Calculator” (if modifying child support)	1
9	Order to Appear regarding Petition to Modify Parenting Time	2
10	Order Modifying Parenting Time and Child Support	4
11	Instructions after Receiving an Order to Appear	1
12	Current Employer Information	1

You have permission to use these documents for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

INSTRUCTIONS

How to fill out the Petition to Modify Parenting Time and Child Support

Initial forms for Filing: Type or Print Neatly. Use black ink.

Complete all required paperwork:

Petition to Modify Parenting Time and Child Support:

1. Fill in the name, mailing address and telephone number of the person submitting the forms.
2. In the Case Caption, fill in the name of person who is shown as the petitioner on the court documents you want to change. Fill in the name of the person who is shown as the respondent on the court documents you want to change.
3. Fill in the Pinal County case number of the court order.
4. Check the subject you wish to modify.
5. Complete all the questions of the Petition to Modify Parenting Time and Child support.
6. Sign your name on the signature line before a Notary Public or Clerk of Court to affirm that the information on the form is true and correct to the best of your knowledge and belief.

Affidavit Regarding Minor Children:

1. Fill in the name, mailing address and telephone number of the person submitting the forms.
2. In the Case Caption, fill in the name of person who is shown as the petitioner on the court documents you want to change. Fill in the name of the person who is shown as the respondent on the court documents you want to change.
3. Fill in the Pinal County case number of the court order.
4. Complete all the questions of the Affidavit Regarding Minor Children.
5. Sign your name on the signature line before a Notary Public or Clerk of Court to affirm that the information on the form is true and correct to the best of your knowledge and belief.

Parenting Plan for Joint or Sole Legal decision-making and Parenting Time (Visitation):

1. Fill in the name, mailing address and telephone number of the person submitting the forms.
2. In the Case Caption, fill in the name of person who is shown as the petitioner on the court documents you want to change. Fill in the name of the person who is shown as the respondent on the court documents you want to change.
3. Fill in the Pinal County case number of the court order.
4. Complete all the questions of parenting time (visitation) schedule you would like to have put in place and ordered by the Court.
5. Signature of parent submitting Parenting Plan or signature of both parents, if applicable.

Parent's Worksheet for Child Support:

If you are also requesting to modify the child support, you will need to complete a new "Child Support Worksheet" based on the proposed new parenting time schedule. The Worksheet will indicate whether child support would change based on the Arizona Child Support Guidelines.

Visit <http://www.azcourts.gov/familylaw> for help in completing a Parent's worksheet and to obtain a copy of the Arizona Child Support Guidelines. Once you have completed the Parent's Worksheet for Child Support, and printed the worksheet, you will have two new additional forms to submit at the time of filing:

- ◆ Child Support Order
- ◆ Income Withholding Order/Notice for Support

Order to Appear regarding Petition to Modify Parenting Time

1. Fill in the name, mailing address and telephone number of the person submitting the forms.
2. In the Case Caption, fill in the name of person who is shown as the petitioner on the court documents you want to change. Fill in the name of the person who is shown as the respondent on the court documents you want to change.
3. Fill in the Pinal County case number of the court order.

The remaining part of the form will be completed at a later time by the Court, once all the above forms have been filed with the Clerk's office.

Order Modifying Parenting Time and Child Support

1. Fill in the name, mailing address and telephone number of the person submitting the forms.
2. In the Case Caption, fill in the name of person who is shown as the petitioner on the court documents you want to change. Fill in the name of the person who is shown as the respondent on the court documents you want to change.
3. Fill in the Pinal County case number of the court order.
4. Under **THE COURT FINDS**, paragraph #3, write in the name(s) of the minor child(ren), and their date of birth.
5. Under **THE COURT ORDERS**, paragraph 1, write in the date the Court Order you want to change was signed by the Judge.
6. The remaining part of the Order shall be completed at the time of the hearing.

COPIES: Once you have completed all the initial forms, have your signature notarized on each document that required a notarized signature. Make **2 copies** of all the completed forms.

NOTE: The Clerk's office charges \$0.50 per page for copies.

Assemble the copies so that you have **3 packets** -- the originals and 2 sets of copies.

Include with the set of copies a SELF ADDRESSED STAMPED ENVELOPE so when the Order to Appear is completed by the Court; copies of the Order to Appear will be mailed you to complete legal services on the other party.

PROCEDURES

How to File Petition to Modify Parenting Time and Child Support

TO FILE THE PAPERS AT THE COURT:

STEP 1 DETERMINE WHERE TO FILE THE COURT FORMS: There are 4 locations of the Clerk of the Superior Court in Pinal County: Please keep in mind that any court hearings will be conducted at the Florence location. You should go to the Court at least 2 hours before closing:

Visit our website for office locations or feel free to give us a call.

Contact information for all offices

Toll Free: 888.431.1311 • Local: 520.509.3555 or 311 • Fax: 520.866.5320

www.coscpinalcountyaz.gov/office.html

STEP 2 TAKE THE ORIGINALS AND COPIES TO THE CLERK TO BE FILED: Take the all **originals and 2 copies** of the following documents: **to the Clerk of the Superior Court**, for processing:

- Petition to Modify Parenting Time and Child Support
- Affidavit of Minor Children
- Parenting Plan for Joint / Sole Legal decision-making and Parenting Time (Visitation)
- Parent's Worksheet for Child Support (if modifying child support also)
- Child Support Order (if modifying child support also)
- Income Withholding Order/Notice for Support (if modifying child support also)
- Current Employer Information sheet (if modifying child support also)
- Order Modifying Parenting Time and Child Support

STEP 3 PAY YOUR FILING FEE: Please check with the Clerk's office for current filing fee. The fee is payable to the Clerk of the Superior Court by cash, money order, cashier's check, debit or credit visa or master card.

If the filing fee is a hardship, and you think a fee deferral is appropriate, ask the staff at the Customer Service counter for an Application for Deferral of Fee before you file your paperwork (this form is also available on Clerk's website, under the category *Other*).

You must attach proof of income when filing an Application for Deferral of Fees, copy of your two latest paystubs or written verification of government assistance.

STEP 4 FILING ORIGINAL DOCUMENTS: The Clerk will file the **originals**, and conform stamp the copies showing the date original documents were filed. The Clerk will return the two sets of conform copies of the following:

- Petition to Modify Parenting Time and Child Support
- Affidavit of Minor Children
- Parenting Plan for Joint / Sole Legal decision-making and Parenting Time (Visitation)
- Parent's Worksheet for Child Support (if modifying child support also)

Keep the above documents. The court file and original documents will be forwarded to the Judge to set a hearing date and sign the **Order to Appear**.

Once the Order to Appear is signed the clerk's office will mail you two (2) copies of the Order to Appear in the self-addressed stamped envelopes; one for your records and one for the other party.

STEP 5 **SERVE THE PAPERWORK ON THE OTHER PARTY:** You must arrange for one set of copies to be *served* on the other party, in a manner required or acceptable to the Court.

See "*Instructions after Receiving an Order to Appear*".

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: S1100

PETITION TO MODIFY: (CHECK ONE)

☐ Parenting Time Only

☐ Parenting Time and Child Support

Name of Respondent

HONORABLE: _____

GENERAL INFORMATION:

I, _____ am the ☐ Petitioner / ☐ Respondent / ☐ Other
and make the following statements to the Court, under oath:

1. Information about Me, the person filing this modification:

Name: _____
Address: _____

How I am related to child(ren) for whom Parenting Time order should be changed:

☐ Mother ☐ Father or ☐ Other (explain) _____

2. **Information about the Other Parent:** (if the person filing this modification is one of the parents. If someone *other than* one of the parents is filing this request, then list the information about one of the parents, then the information about the other parent below).

Name: _____
Address: _____

How this party is related to child(ren) for whom Parenting Time order should be changed:

☐ Mother ☐ Father _____

Information about the Other Parent or Other Party: (if there is a non-parent involved in the case other than the person whose information has already been listed in (1) above:

Name: _____
Address: _____

How the other party is related to child(ren) for whom Parenting Time order should be changed:

☐ Mother ☐ Father or ☐ Other (explain) _____

3. **Information about the child(ren) for whom I want the parenting time order changed:**

Child's Name: _____	Birth Date: _____	Age: _____
Child's Name: _____	Birth Date: _____	Age: _____
Child's Name: _____	Birth Date: _____	Age: _____
Child's Name: _____	Birth Date: _____	Age: _____

4. **Affidavit Regarding Minor Children.** ☐ The children have resided in Arizona since the entry of the last Arizona City Order and I have completed an "Affidavit Regarding Minor Children" or ☐ if not I have completed an "Affidavit Regarding Minor Children".

5. **Information about the Order I want to change.**

The Order was issued on	_____	(Month, Day, Year)
The Order was issued by:	_____	(Name of Court)
Located in this County:	_____	(Name of County)
Located in this State:	_____	(Name of State)

And each of the following is a true statement:

- The child(ren) has lived in Arizona for at least six (6) months before the date I am filing this Petition.
- If the Order was not issued by the Superior Court of Arizona in this county, the case has already been transferred to this county and has a Pinal County case number.

6. **Domestic Violence** ☐ No significant domestic violence has occurred, or ☐ domestic violence has occurred. Explain:

7. **WHAT YOUR ORDER NOW SAYS:** Put in **WORD for WORD** the part of the decree / order you want to change. (Use extra paper if necessary) **OR** incorporate the Order, which is already a part of the court's file and attached a copy of the Order to the judge's copy of this Petition and all parties' copies of this Petition.

8. **WHY THE DECREE / ORDER SHOULD BE CHANGED:** These are my reasons why I believe that a change of parenting time is in the best interest of the child(ren). Use extra pages if necessary):

9. **MEDIATION REQUIREMENTS IN PRIOR ORDER:**

- ☐ The current Court Order *does not require* the parties to pursue Mediation before filing to modify (change) legal decision-making or parenting time **OR**

- ☐ The current Court Order ***does require*** the parties to pursue Mediation before filing to modify (change) legal decision-making or parenting time and this is what I / we have done to comply with that requirement:

REQUESTS I MAKE TO THE COURT:

A. **PARENTING TIME** to the ☐ Mother ☐ Father or ☐ Other (non-parent)

1. ☐ **Reasonable Parenting Time** to the parent/party who does not have legal decision-making according to the Parent/Child Parenting time/Access Guidelines;

OR

2. ☐ **Reasonable Parenting Time** to the parent/party who does not have legal decision-making according to the attached Parenting Plan;

OR

3. ☐ **Supervised Parenting Time** but only in the presence of another person.

Name of person to supervise parenting time: _____

OR

4. ☐ **No Parenting Time** rights to ☐ **Mother** or ☐ **Father**

Supervised parenting time or no parenting time is requested for the following reasons:

The costs of travel related to parenting time / visitation over 100 miles one way shall be shared as follows:

Mother _____ % **Father** _____ %

B. **CHILD SUPPORT**

☐ **Mother** ☐ **Father** should pay child support to the other party in the amount of \$_____ per month on the first day of every month based upon the **“Parent’s Worksheet”** filed with Petition to Modify Parenting time. All child support payments should be made through the Child Support Clearinghouse and will be subject to an applicable statutory fee through an automatic Income Withholding Order/Notice for Support.

C. MEDICAL, DENTAL and VISION INSURANCE PAYMENTS AND EXPENSES

☐ **Mother** is responsible for providing: ☐ Medical ☐ Dental ☐ Vision care insurance.

☐ **Father** is responsible for providing: ☐ Medical ☐ Dental ☐ Vision care insurance.

Parties should be ordered to pay for all reasonable unreimbursed medical, dental, health-related expenses incurred for the child(ren) in proportion to their respective incomes or _____ % by Mother and _____ % by Father.

D. INCOME TAX DEDUCTIONS

Child's Name	Date of Birth (Month, Day, Year)	Parent Entitled to Deduction		For Calendar Year
		<input type="checkbox"/> Mother	<input type="checkbox"/> Father	
		<input type="checkbox"/> Mother	<input type="checkbox"/> Father	
		<input type="checkbox"/> Mother	<input type="checkbox"/> Father	
		<input type="checkbox"/> Mother	<input type="checkbox"/> Father	

E. OTHER ORDERS

I request further Orders relating to this matter as follows:

OATH OR AFFIRMATION AND VERIFICATION

I SWEAR OR AFFIRM that the information on this Petition to Modify () Parenting Time or () Parenting Time and Child Support is true and correct under penalty of perjury.

(Date)

(Signature of Person filing Petition)

SWORN to or Affirmed before me this _____ of _____ 20 ____ .

My Commission Expires:

Deputy Clerk or Notary Public

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: S1100DO2

**AFFIDAVIT REGARDING
MINOR CHILDREN**

Name of Respondent

HONORABLE: _____

NOTICE: This *"Affidavit Regarding Minor Children"* is required for all legal decision-making cases. You must fill out this Affidavit completely, and provide accurate information. Use additional paper if necessary. You must give copies of this Affidavit and all other required documents to the other party, and to the judge.

1. **CHILDREN OF THE PARTIES WHO ARE UNDER 18 YEARS OLD.** The following child(ren) are under age 18 and were born to, or adopted by, me and the other party:

Name: _____
Birth Date: _____ Age: _____
Name: _____
Birth Date: _____ Age: _____

Name: _____
Birth Date: _____ Age: _____
Name: _____
Birth Date: _____ Age: _____

2. **INFORMATION REGARDING WHERE THE CHILDREN UNDER 18 YEARS OLD HAVE LIVED FOR THE LAST 5 YEARS:** (Attach additional pages if necessary)

Child's Name: _____
Address: _____

Dates: From _____ To _____
Lived with: _____

City, State: _____
Child's Name: _____
Address: _____
City, State: _____
Child's Name: _____
Address: _____
City, State: _____

Relationship to Child: _____
Dates: From _____ To _____
Lived with: _____
Relationship to Child: _____
Dates: From _____ To _____
Lived with: _____
Relationship to Child: _____

3. **COURT CASES IN WHICH I HAVE BEEN A PARTY/WITNESS THAT INVOLVED THE LEGAL DECISION-MAKING PARENTING TIME OF THE CHILD(REN):** (Check one box)

☐ I have or ☐ I have not been a party/witness in court in this state or in any other state that involved the legal decision-making parenting time of the child(ren) named above. (If so, explain on separate paper. If not, go on.)

Name of each child: _____
Name of Court: _____ Court Location: _____
Court Case Number: _____ Current Status: _____
How the child is involved: _____
Summary of any Court Order: _____

4. **INFORMATION REGARDING PENDING COURT CASES RELATED TO THE LEGAL DECISION-MAKING OF THE CHILD(REN):** (Check one box)

☐ I do have or ☐ I do not have information about a legal decision-making parenting time court case relating to any of the children named above that is pending in this state or in any other state. (If so, explain. If not, go on.)

Name of each child: _____
Name of Court: _____ Court Location: _____
Court Case Number: _____ Current Status: _____
How the child is involved: _____
Summary of any Court Order: _____

5. **LEGAL DECISION-MAKING OR PARENTING TIME CLAIMS OF ANY PERSON:** (Check one box)

☐ I do know or ☐ I do not know a person other than the Petitioner or the Respondent who has physical legal decision-making or who claims legal decision-making or parenting time rights to any of the children named in this Affidavit.
(If so, explain below. If not, go on.)

Name of each child: _____

Name of person with the claim: _____

Address of person with the claim: _____

Nature of the claim: _____

OATH OR AFFIRMATION AND VERIFICATION:

I swear or affirm that the information on this document is true and correct under penalty of perjury.

Date

Signature

State of Arizona)

County of)

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20 ____
 (Day) (Month) (Year)

by _____
 (Name of Signer)

(Affix notary seal here) **Notary Public** (Notary's Signature)

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable): _____
☐ Representing Self (No Attorney) or ☐ Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

_____ Name of Petitioner	CASE NUMBER: <u>S1100DO2</u> PARENTING PLAN FOR: <input type="checkbox"/> JOINT LEGAL DECISION-MAKING OR <input type="checkbox"/> SOLE LEGAL DECISION-MAKING <input type="checkbox"/> TO PETITIONER <input type="checkbox"/> TO RESPONDENT
_____ Name of Respondent	HONORABLE: _____

GENERAL INFORMATION

A. MINOR CHILDREN This Plan concerns the following children common to the parents:

Name	Birth Date
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

B. LEGAL DECISION-MAKING: Select One. If you select sole legal decision-making, you have the option of also selecting restrictions on the parenting time of the other parent.

☐ **SOLE LEGAL DECISION-MAKING**

Sole legal decision-making should be granted to

☐ **Petitioner** or

☐ **Respondent**

☐ **JOINT LEGAL DECISION-MAKING**

☐ Both parents will make major **educational** decisions together.

☐ Optional: If the parents do not agree, ***select one***

☐ the final decision will be with Petitioner

☐ the final decision will be with Respondent

☐ the decision will be addressed as follows:

☐ Both parents will make major **religious** decisions together.

☐ Optional: If the parents do not agree, ***select one***

☐ the final decision will be with Petitioner

☐ the final decision will be with Respondent

☐ the decision will be addressed as follows:

☐ Both parents will make major **medical** decisions together.

☐ Optional: If the parents do not agree, ***select one***

☐ the final decision will be with Petitioner

☐ the final decision will be with Respondent

☐ the decision will be addressed as follows:

☐ Both parents will make major **personal care** decisions together.

☐ Optional: If the parents do not agree, ***select one***

☐ the final decision will be with Petitioner

☐ the final decision will be with Respondent

☐ the decision will be addressed as follows:

C. PARENTING TIME Write your detailed parenting plan below. Include specific times, locations, and details regarding transportation. You will have the opportunity to request supervised parenting time or no parenting time, later in this document.

1. Regular Parenting Time:

2. Summer Months:

3. School Breaks Longer Than 4 Days:

4. Three Day Weekends:(for example, Labor Day, Columbus Day, Martin Luther King, Jr. Day, Presidents' Day and Memorial Day)

☐ The parents agree that whichever of them has the child(ren) for the weekend occurring nearer in time to the holiday will spend time with the child(ren) for the holiday, OR

☐ **Explain your request:**

5. Transportation: Write your procedure for exchanges of the child(ren) including location and responsibility for transportation.

6. Holiday, Birthday and Special Occasion Schedule Use the table below or the blank space to write your schedule.

Event	Even Years		Odd Years	
New Year's Eve	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
New Year's Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Easter	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
4 th of July	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Halloween	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Veteran's Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Thanksgiving	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Christmas Eve	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Christmas Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Child(ren)'s Birthday	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Mother's Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Father's Day	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Petitioner's Birthday	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
Respondent's Birthday	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent

7. Telephone Contact with Children

☐ Each parent may have telephone contact with the child(ren) during the child(ren)'s normal waking hours, OR

☐ Explain your request:

8. Travel with Child(ren) *(all of the following are optional)*

☐ Each parent is entitled to _____ consecutive days of vacation time per year with the child(ren). Each parent will give the other parent ____ days notice prior to the vacation.

☐ Should either parent travel out of the area with the minor child(ren), each parent will keep the other parent informed of travel plans, address(es), and telephone numbers at which that parent and the minor child(ren) can be reached.

☐ Neither parent shall travel with the minor child(ren) outside of Arizona for longer than _____ days without the prior written consent of the other parent or order of the court.

☐ **SUPERVISED PARENTING TIME**

Supervised parenting time is in the best interest of the minor child(ren) because:

Name of the agency or person who will supervise:

☐ **NO PARENTING TIME BETWEEN CHILD(REN) AND**

☐ **PETITIONER**

OR

☐ **RESPONDENT**

No parenting time is in the best interest of the minor child(ren) because:

D. Medical and Dental Arrangements

☐ Both parents have the right to authorize emergency medical treatment, if needed, and the right to consult with physicians and other medical practitioners. Both parents agree to advise the other parent with physicians and other medical practitioners. Both parents agree to advise the other parent immediately of any emergency medical/dental care sought for the minor children, to cooperate on health matters concerning the children and to keep one another reasonably informed. Both parents agree to keep each other informed as to names, addresses and telephone numbers of all medical/dental care providers.

E. Other Arrangements

☐ Each parent will inform the other parent of any change of address and/or phone number in advance OR within _____ days of the change.

☐ Both parents will promptly inform the other parent of any emergency or other important event that involves the minor children.

☐ Both parents will consult and agree with the other parent regarding any extra activity that affects the minor children's access to the other parent.

☐ Each parent will consider the other parent as care-provider for the minor children before making other arrangements.

☐ Each parent will keep all communication regarding the minor child(ren) between the parents and will not use the minor child(ren) to convey information or to set up parenting time changes.

☐ Each parent will encourage love and respect between the minor child(ren) and the other parent and neither parent shall do anything that may hurt the other parent's relationship with the minor children.

☐ Both parents will exert their best efforts to work cooperatively in future plans consistent with the best interests of the minor children and to amicably resolve such disputes as may arise.

☐ If either parent is unable to follow through with the time-sharing arrangements involving the minor child(ren), that parent will notify the other parent as soon as possible.

☐ Both parents agree that if either parent moves out of the area and returns later, they will use the most recent "Parenting Plan/Access Agreement" in place before the move.

☐ If the parents are unable to reach a mutual agreement regarding a legal change to their parenting orders, they will request mediation through the court or a private mediator of their choice.

Obtain Written Consent or Court Order Before Moving: Notice required by ARS 25-408 shall be made by certified mail, return receipt requested, or pursuant to the Arizona rules of family law procedure. The court shall sanction a parent who, without good cause, does not comply with the notification requirements of this law. The court may impose a sanction that will affect the legal decision-making or parenting time only in accordance with the child's best interests.

Parental Access to Records and Information Pursuant to Arizona law, unless otherwise provided by court order or law, on reasonable request both parents are entitled to have equal access to documents and other information concerning the minor child(ren)'s education and physical, mental, moral and emotional health including medical, school, police, court and other records. A person who does not comply with a reasonable request for these records shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to make the other parent obey this request. A parent who attempts to restrict the release of documents or information by the custodian of the records without prior court order is subject to legal sanctions.

Notice: Do not deviate from Parenting Plan until dispute is resolved. Both parents are advised that while a dispute is being resolved, neither parent shall deviate from this Parenting Plan or act in a way that is inconsistent with the terms of this agreement.

Once this plan has been made an order of the Court, if either parent disobeys the court order related to parenting time with the children, the other parent may submit court papers to request enforcement.

SIGNATURE OF ONE OR BOTH PARENTS

Signature of Petitioner: _____ Date: _____

Signature of Respondent: _____ Date: _____

IF YOU ARE REQUESTING SOLE LEGAL DECISION MAKING, THE FORM IS COMPLETE. DO NOT SIGN SECTION F OR G.

F. STATEMENT REGARDING CONTACT WITH SEX OFFENDERS AND PERSONS CONVICTED OF DANGEROUS CRIMES AGAINST CHILDREN.

According to A.R.S. §25-403.05, a child's parent or custodian must immediately notify the other parent or custodian if the person knows that a convicted or registered sex offender or someone who has been convicted of a dangerous crime against children may have access to the child.

According to A.R.S. §13-705 (P) (1), "Dangerous crime against children" means any of the following that is committed against a minor who is under fifteen years of age:

- (a) Second degree murder.
- (b) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibit on of a deadly weapon or dangerous instrument.
- (c) Sexual assault.
- (d) Molestation of a child.
- (e) Sexual conduct with a minor.
- (f) Commercial sexual exploitation of a minor.
- (g) Sexual exploitation of a minor.
- (h) Child abuse as prescribed in section 13-3623, subsection A, paragraph 1.
- (i) Kidnapping.
- (j) Sexual abuse.
- (k) Taking a child for the purpose of prostitution as prescribed in section 13-3212.
- (l) Child prostitution as prescribed in section 13-3212.
- (m) Involving or using minors in drug offenses.
- (n) Continuous sexual abuse of a child.
- (o) Attempted first-degree murder.
- (p) Sex trafficking.
- (q) Manufacturing methamphetamine under circumstances that causes physical injury to a minor.
- (r) Bestiality as prescribed in section 13-1411, subsection A, paragraph 2.
- (s) Luring a minor for sexual exploitation.
- (t) Aggravated luring a minor for sexual exploitation.
- (u) Unlawful age misrepresentation.

The parent or custodian must provide notice by first class mail, return receipt requested, by electronic means to an electronic mail address that the recipient provided to the parent or custodian for notification purposes or by another form of communication accepted by the court.

I/We have read, understand, and agree to abide by the requirements of A.R.S. §25-403.05(B) concerning notification of other parent or custodian if someone convicted of dangerous crime against children may have access to the child.

Signature of Petitioner: _____

Date: _____

Signature of Respondent: _____

Date: _____

G. JOINT LEGAL DECISION-MAKING: If requested or agreed to by the parties, the following will apply, subject to approval by the Judge:

1. **DOMESTIC VIOLENCE:** Arizona Law (A.R.S. §25-403.03) states that joint Legal Decision-Making shall NOT be awarded if there has been “a history of significant domestic violence”.

☐ Domestic Violence has **not** occurred between the parties, **OR**

☐ Domestic Violence **has** occurred but it has not been “significant” or has been committed by both parties.* **Complete Section 3 below.**

2. DUI or DRUG CONVICTIONS:

☐ Neither party has been convicted of driving under the influence or a drug offense within the past 12 months, **OR**

☐ One of the parties HAS been convicted of driving under the influence or a drug offense within the past 12 months, but the parties feel Joint Legal Decision-Making is in the best interest of the children. * **Complete Section 3 below.**

3. * IF THERE HAS BEEN DOMESTIC VIOLENCE OR A DUI OR DRUG CONVICTION:

Explain why Joint Legal Decision-Making is still in the best interests of the children:

4. **REVIEW:** The parents agree to review the terms of the / this agreement and make any necessary or desired changes every _____ months from the date of this document.
5. **CRITERIA.** Our joint Legal Decision-Making agreement meets the criteria required by Arizona law A.R.S. §25-403.02, as listed below:
- a. The best interest of the minor children are served;
 - b. Each parent's rights and responsibilities for personal care of the minor children and for decisions in education, health care and religious training are designated in this Plan;
 - c. A schedule of the physical residence of the minor children, including holidays and school vacations is included in the Plan;
 - d. The Plan includes a procedure for periodic review;
 - e. The Plan includes a procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved;
 - f. A procedure for communicating with each other about the child, including methods and frequency.

SIGNATURE OF PARENT(S) REQUESTING JOINT LEGAL DECISION-MAKING

Signature of Petitioner: _____ Date: _____

Signature of Respondent: _____ Date: _____

***CHILD SUPPORT CALCULATOR for
Parent's Worksheet to determine Child Support Amount***



The Court Self Help website offers a Free Child Support Calculator and Fillable Forms.

Simple • Quick • Accurate

If you have a personal computer with Internet access,
you can access the Child Support Calculator at:

<http://www.azcourts.gov/familylaw>

You may also visit the Law Library at the
Pinal County Superior Court House for access and further assistance.

Calculate Support for Parent's Worksheet

Your computer must be connected to a printer. Begin by selecting which Child Support Calculator applies to you, 2005 or 2011, and then press the Tab button on your keyboard to move through the form, or click on each field with your mouse.

Enter the appropriate information in each blank field. Not every blank field needs to be completed in every case. If you are not sure whether you should complete a blank field, click on the question mark (?) next to the blank field. You will receive additional information in accordance with the Arizona Child Support Guidelines.

When you have completed the Entry Form, click the "Print Worksheet" button to receive an estimate of the amount of child support the non- custodial parent may have to pay to the custodial parent for the support of their child(ren).

After clicking on "Print Worksheet" the form will automatically be filled in with the information from the Entry Form. Print the form and bring it with you at the time of filing your initial paperwork.

The Court Self Help website also offers the following fillable forms required to set up Child Support, select the "Forms" tab to make your selection:

- Child Support Order
- Post Paternity Establishment of Child Support Order
- Paternity Judgment Child Support Order

To have the Child Support amount automatically deducted from payroll, either of the below forms must be submitted:

- Income Withholding Order – May be completed by either party
- Current Employer Information – To be completed by the non-custodial parent/obligor/payer only

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

AND

Name of Respondent

Case Number: S1100DO2

**ORDER TO APPEAR
REGARDING PETITION TO MODIFY
PARENTING TIME**

HONORABLE: _____

READ ME: This is an important Court Order that affects your rights. Read this Order carefully. If you do not understand this Order, contact an attorney for legal advice.

Based on the *“Petition to Modify Parenting Time (Visitation),”* the document filed with it, and pursuant to Arizona Law,

IT IS ORDERED THAT YOU _____ appear at the time and place stated below so the court can determine whether the relief asked for in the *“Petition to Modify Parenting Time”* should be granted.

INFORMATION ABOUT COURT HEARING TO BE HELD:

NAME OF JUDICIAL
OFFICER: _____

DATE AND TIME OF
HEARING: _____

PLACE OF HEARING: PINAL COUNTY SUPERIOR COURT, DIV

ADDRESS OF HEARING: PINAL COUNTY JUSTICE COMPLEX
971 JASON LOPEZ CIRCLE, BUILDING A
FLORENCE AZ 85132

That a true copy of this “Order to Appear” and Petition, Affidavit and related documents filed with the Petition shall be served by process server or sheriff by the moving party on the responding party.

READ ME. This is a 15 minute proceeding with the court. The court will determine if more time is needed. All parties, whether represented by attorneys or not, must be present. If there is a failure to appear, the court may make such orders as are just, including granting the relief requested by the party who does appear. **Warning: Failure to Appear at this hearing may cause a civil arrest warrant to be issued for your arrest.**

DONE IN OPEN COURT: _____

Judge/Commissioner of the
Superior Court

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

Name of Petitioner

CASE NUMBER: S1100
ORDER MODIFYING

☐ PARENTING TIME OR
☐ PARENTING TIME AND CHILD
SUPPORT

Name of Respondent

HONORABLE: _____

THE COURT FINDS:

1. This case has come before this court for a final Order. The court has taken all testimony needed to enter final Orders.
2. This court has jurisdiction to change parenting time and/or support, and has jurisdiction over the parties. Where it has the legal power to do so and where it is applicable to the facts of this case, this court has considered, approved, and made Orders relating to parenting time and/or support.

3. This Order applies to the following children: **DATES OF BIRTH /AGE**
NAME(S) (Month/Day/Year)

4. **GROUND FOR CHANGING PARENTING TIME and/or Child Support.** Based upon the Petition, it is in the best interest of the minor child(ren) to change parenting time and/or child support at this time.

THE COURT ORDERS:

The Order regarding parenting time and/or support dated _____ is changed as follows:

A. PARENTING TIME to the ☐ Mother ☐ Father or ☐ Other (non-parent)

1. ☐ **Reasonable Parenting Time** to the parent/party who does not have legal decision-making according to the Parent/Child Parenting time/ Access Guidelines;

OR

2. ☐ **Reasonable Parenting Time** to the parent/party who does not have legal decision-making according to the attached Parenting Plan;

OR

3. ☐ **Supervised Parenting Time** but only in the presence of another person.

Name of person to supervise parenting time: _____

The cost of **supervised** parenting time shall be paid by:

☐ **Mother** or ☐ **Father** or ☐ **shared equally** by the parties, or as follows:

Restrictions on supervised parenting time:

(OR)

4. ☐ **No parenting time rights to** ☐ **Mother** or ☐ **Father** due to:

5. ☐ **Other parenting time: (explain)**

The costs of **travel related** to parenting time over 100 miles one way shall be shared as follows:

Mother _____ % **Father** _____ %

B. CHILD SUPPORT

☐ **Child Support is unchanged, OR**

☐ **Mother** or ☐ **Father** shall pay child support to other party in the amount of \$ _____,

per month, payable on the first day of each month, beginning the first day of month following the signing of this Order. All child support payments shall be made through the Support Payment Clearinghouse by the attached Order of Assignment, and shall include an additional statutory fee for processing.

Child Support is based on the information in the Child Support Worksheet attached and incorporated by reference, and the Arizona Child Support Guidelines, **OR**

☐ **CHILD SUPPORT DEVIATION.** The court, having considered the best interests of the minor child(ren), deviates from the Guidelines for the following reasons. (Describe reasons.)

C. MEDICAL, DENTAL, VISION CARE

☐ **Mother** is responsible for providing:

☐ Medical ☐ Dental ☐ Vision
care insurance.

☐ **Father** is responsible for providing:

☐ Medical ☐ Dental ☐ Vision
care insurance.

Medical, dental, and vision care insurance, payments and expenses are based on the information in the Child Support Worksheet attached and incorporated by reference. The party ordered to pay must keep the other party informed of the insurance company name, address and telephone number, and must give the other party the documents necessary to submit insurance claims.

Non-Covered Expenses. Mother is ordered to pay _____ %, AND Father is ordered to pay _____ % of all reasonable uncovered and/or uninsured medical, dental, vision care, prescription and other health care charges for the minor child(ren), including co-payments.

D. FEDERAL INCOME TAX DEDUCTION

Child's Name	Date of Birth (Month, Day, Year)	Parent Entitled to Deduction		For Calendar Year
		<input type="checkbox"/> Mother	<input type="checkbox"/> Father	
		<input type="checkbox"/> Mother	<input type="checkbox"/> Father	
		<input type="checkbox"/> Mother	<input type="checkbox"/> Father	
		<input type="checkbox"/> Mother	<input type="checkbox"/> Father	

For years following those listed above while this Child Support Order remains in effect, the parties shall repeat the pattern above of claiming deductions for each child.

E. OTHER ORDERS. This court makes further Orders relating to this matter as follows:

DONE IN OPEN COURT: _____

JUDGE OR COURT COMMISSIONER

INSTRUCTIONS AFTER RECEIVING AN ORDER TO APPEAR

SERVICE

Service means giving legal notice to the other party that you have filed court papers. Legal notice means that the other parties have been provided copies of the papers that you have filed with the court.

You have been given an Order to Appear for a Court hearing. You need to make three (3) copies of the Order to Appear. Keep one (1) copy for your records.

You **MUST** serve all other parties with a copy of the Order to Appear and a copy of the Petition that you filed. Service must occur 10 business days prior to the scheduled hearing/conference.

The two most common methods of service are (1) personal service done by a private process server or sheriff, and (2) acceptance of service by the other party if they agree to receive the paperwork from you.

If you use the process server or sheriff, the process server or sheriff will then file an Affidavit of Service with the Court, when service is completed. This proves that party(ies) have been served.

If the other party agrees to accept service, you can serve the other party with an Acceptance of Service form. The other party must sign it in front of a notary. This form then must be filed with the Clerk of Court. This proves that the party(ies) have been served.

If the County Attorney Child Support Division has been involved with your case, you **MUST** serve the County Attorney's office. The County Attorney's office will **ACCEPT** service. You must deliver an Acceptance of Service form to the Child Support Division of the County Attorney's office.

After the Child Support Office signs the Acceptance of Service, you **MUST** file the signed Acceptance of Service form with the Clerk of Court. This proves that the County Attorney Child Support Division has been served.

If you have questions about service consult an attorney for information regarding these and other methods of service.

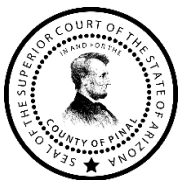
For more information review the Rules of Family Law Procedure.

Forms can be found at:

www.coscpinalcountyaz.gov/forms.html

Other Information within the Order to Appear

Read the Order to Appear carefully. It directs you to exchange documents prior to your hearing, tells you what you will need to bring to court with you, and provides other directions.



CLERK OF THE SUPERIOR COURT – AMANDA STANFORD
PINAL COUNTY

PO BOX 628
FLORENCE, ARIZONA 85132

TEL: 520-866-5321
FAX: 520-866-5377

**EMPLOYMENT INFORMATION FOR INCOME WITHHOLDING ORDER/
ORDER OF ASSIGNMENT/ORDER TO STOP**

THIS FORM MUST BE COMPLETED FOR:

- ☐ AN INCOME WITHHOLDING ORDER/ORDER OF ASSIGNMENT
☐ ORDER TO STOP AN INCOME WITHHOLDING ORDER/ORDER OF ASSIGNMENT
☐ NOTIFICATION OF A CHANGE OF EMPLOYER

CASE NUMBER: S1100 ATLAS NUMBER: _____

OBLIGOR/PAYEE: _____
(PERSON TO MAKE PAYMENTS)

LIST ONLY THE EMPLOYER'S NAME AND PAYROLL ADDRESS WHERE THE INCOME WITHHOLDING ORDER/ORDER OF ASSIGNMENT OR ORDER TO STOP SHOULD BE MAILED:

CURRENT EMPLOYER NAME: _____

PAYROLL ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

EMPLOYER TELEPHONE: _____

EMPLOYER FAX: _____

FOR CLERK'S OFFICE OFFICIAL USE ONLY

MAILED TO NEW EMPLOYER:

DATE

BY

ENTERED INTO AJACS/ATLAS

INFORMATION OBTAINED:

- ☐ Court
☐ Custodial Parent (oblige)
☐ Non-Custodial Parent (Obligor)
☐ Other: _____

Fax to 520-866-5377 Attn: Child Support Department or mail to P.O. Box 628, Florence, AZ 85132